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CONFIDENTIAL MEMORANDUM FOR STAFF MEMBERS

February 15, 1934.

To: AAA and NRA Division 6 staff and advisers engaged in preparation of codes.

From: J. W. Tapp, Chief AAA Commodities Division and Armin W. Riley, Divisional Administrator for NRA Division 6.

Subject: Codes under joint administration of AAA and NRA.

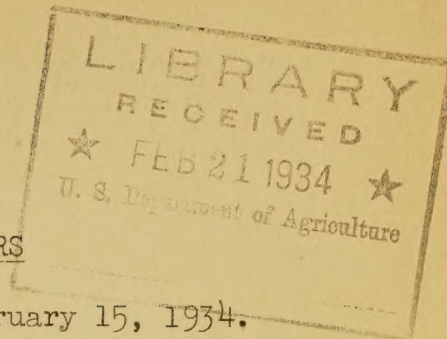
To enable AAA and NRA more effectively to cooperate in the drafting of joint codes, and to enable AAA to harmonize its work with that of NRA, the attached model code has been formulated.

Deputies and specialists will, of course, realize that it is a matter, in the first instance, for the sponsors of a code to determine as to the provisions to go into a code which they wish to offer, but

1. The quoted provisions do not affect the substance of the code (i.e., wages, hours, trade practices, etc.)
2. It has been agreed by AAA and NRA not to vary from the model in any substantial respect, except by special agreement; hence time will be saved for all concerned through the use of the model.

Code sponsors should be cautioned against permitting the circulation of any draft of a proposed code among members of their industry unless such draft is clearly marked to the effect that the code is in a proposed form and has not become effective for the industry.

Jesse W. Tapp,
Armin W. Riley.



STANDARD PROVISIONS FOR AAA - N.R.A. CODES

ARTICLE I.

Purposes.

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the _____ trade/industry, and its provisions shall be the standards of fair competition for such trade/industry, and shall be binding upon every member thereof.

ARTICLE II

Definitions

Section 1.

The term "_____ trade/industry" and "trade/industry" as used herein include

(here shall be stated what is included in the trade/industry, the provisions to be drawn after conference between AAA, NRA and the industry; stating functions, as manufacturing, building, transporting, repairing, selling, and/or distributing at wholesale or retail, etc., of specified products, merchandise or services, etc.)

and such related branches as may from time to time be included under the provisions of this Code by amendment hereof.

Section 2.

The term "member of the trade/industry" includes, without limitation any individual, partnership, association, corporation or other form of enterprise engaged in the trade/industry, either as an employer or on his or its own behalf.

Section 3.

The term "employee" as used herein includes any and all persons engaged in the trade/industry, however compensated, except a member of the trade/industry.

Section 4.

The terms "Act," "Secretary" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, the Secretary of Agriculture, or his duly appointed agent, and the Administrator for Industrial Recovery, or his duly appointed agent.

Sections 5, 6, etc.

(There shall be inserted by NRA such further definitions as may be necessary to clarify the labor provisions and by AAA such further definitions as may be needed to clarify the price and trade practice provisions. Consultation on these definitions between the Administrations prior to printing the code for hearing and prior to preparation of final draft for Presidential approval will be necessary merely for the purpose of numbering those additional sections and eliminating conflicts.)

ARTICLE III

Hours.

ARTICLE IV

Wages

ARTICLE V

General Labor Provisions.

(The foregoing three Articles shall be prepared by NRA without consultation with AAA, by contacting the Industry's Code Committee directly. When a code is first filed AAA will request the industry to confer directly with NRA Division No. 6 for the development of these provisions. NRA will supply these provisions to AAA as developed for hearing and will insert them in the final draft of the Code prepared in its docket for transmission to the President through AAA).

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
OFFICE OF THE CURATOR
OF THE MUSEUM OF ARTS
AND ARCHITECTURE
540 EAST 57TH STREET
CHICAGO, ILLINOIS 60637

TO THE HONORABLE SENATE
OF THE UNIVERSITY OF CHICAGO
IN RESPONSE TO A RESOLUTION
PASSED AT ITS MEETING OF
MAY 1, 1968, CONCERNING
THE MUSEUM OF ARTS
AND ARCHITECTURE
AND THE UNIVERSITY OF CHICAGO
PRESS

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ARTICLE VI

Organization, Powers and Duties
of the Code Authority

Section 1. Code Authority.

(a) A Code Authority to be known as _____ shall be established for the purpose of assisting in the administration, supervision and promotion of the performance of the provisions of this Code. Except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to order of the President, the Code Authority shall assist the Administrator in all matters relating to the administration of provisions in this Code relating to hours of labor, rates of pay, and other conditions of employment and shall assist the Secretary in all matters relating to the administration of all the other provisions of this Code.

(b) The Code Authority shall consist of _____ members and shall be constituted forthwith upon the approval of this code, in the following manner:

1. (Here shall be stated the manner in which the members of the Code Authority shall be selected, and the terms for which they shall serve. This subparagraph shall be drawn after conference between AAA, NRA and proponents of the Code. Provisions should be made so that the Code Authority will be truly representative of the various majority, minority, and other interests in the trade/industry.)
2. In addition to membership as above provided, the Secretary and the Administrator may each appoint not more than _____ members or representatives without vote, to serve for such terms as they may specify.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Secretary and the Administrator true copies of its Articles of Association, By-Laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Secretary or the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Code Authority shall at all times be truly representative of the trade/industry and in other respects comply with the provisions of the Act, the Secretary or the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority, or take such other action as the evidence adduced at the hearing may warrant.

(e) (Here shall be inserted a standard provision with respect to the assessment and collection of funds for the expenses of the Code Authority. This provision is now being prepared by AAA and NRA Legal Departments in consultation, and will be supplied to all recipients of this Model Code as soon as it has been formulated.)

(f) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

(g) If the Secretary or the Administrator shall determine as to matters subject to their respective jurisdiction that any action of the Code Authority or any agency thereof may be unfair, or unjust, or contrary to the public interest the Secretary or the Administrator, as the case may be, may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Secretary or the Administrator approves, or unless he shall fail to disapprove after thirty days notice to him of intention to proceed with such action in its original or modified form.

Section 2. Powers and Duties.

(a) The Code Authority shall, subject to the approval of the Secretary and Administrator, supervise the establishment.....

(Here make proper provision for such local administrative agencies as may be necessary. This sub-section need only be inserted in case of a code the administration of which will require such local agencies; and if inserted this will be drawn after conferences between AAA, NRA and the industry.)

(b) In all matters relating to the administration of the provisions of this Code, except those relating to hours of labor, rates of pay and other conditions of employment, (except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to order of the President) the Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Secretary:

(Take in provisions to meet the conditions of the industry and such general policies of the Secretary as may be pursuant to provisions of Section 2 of the Executive Order. AAA will send four copies of each draft containing any significant changes to Division No. 6 of NRA, with notice as to who is in charge and where he can be reached. NRA and its Advisory Boards will establish such contacts with AAA (but not with the industry) as may be desired with respect to drafting and substance of these provisions, and AAA will cooperate in affording consultation on these matters.)

The following provisions are examples of the typical powers which are ordinarily granted to the Code Authority:

- (a) Subject to such rules and regulations as may be issued by the Secretary, to insure the execution of the provisions of this Code and to provide for the compliance of the trade/industry with the provisions of the Act.
- (b) To adopt by-laws and rules and regulations for its procedure.
- (c) To obtain from members of the trade/industry such information and reports as may be necessary for the administration of this Code by the Code Authority and the performance of its powers and duties hereunder.

No such individual reports shall be disclosed to any other member of the trade/industry or any other party except as may be directed by the Secretary.

- (d) To use with the approval of the Secretary such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibility under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.
- (e) To make recommendations to the Secretary for the coordination of the administration of this Code with such other codes, if any, as may be related to the trade/industry, or affect members of the trade/industry.
- (f) To recommend to the Secretary any action or measures deemed advisable, including further fair trade practice provisions to govern members of the trade/industry in their relations with each other or with other trades/industries, and measures for industrial planning.

(c) In all matters relating to the administration of the provisions of this Code relating to hours of labor, rates of pay and other conditions of employment (except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to the order of the President) the Code Authority will have the following duties, the exercise of which shall be reported to the Administrator:

(Take in provisions from Model Code as modified to meet conditions in the industry. These provisions shall be drafted by NRA in direct contact with the industry in the same manner as is indicated for Articles III, IV and V, above.)

ARTICLE VII

Trade Practice Provisions.

(Here shall be inserted trade practice and price provisions, to be drafted by AAA in direct contact with the industry, following the procedure indicated for the drafting of provisions in Section 3(b) of Article VI.)

ARTICLE VIII

General

Section 1. Modification.

This Code and all the provisions thereof are expressly made subject to the right of the President of the United States, in accordance with the provisions of sub-section (b) of Section 10 of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

Section 2. Reports.

The members of the industry shall severally, from time to time, upon the request of the Secretary (or the Administrator in the case of information relating to hours of labor, rates of pay, and other conditions of employment) furnish such information to such Federal and State agencies on and in accordance with forms of reports supplied to them (which reports shall be verified under oath) as the Secretary or the Administrator may designate and require (1) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and (2) for the determination by the Secretary or the Administrator of the extent to which the declared policy of the Act is being effectuated by this Code.

Nothing in this Code shall relieve any person of existing obligations to furnish reports to Government agencies.

No individual reports shall be disclosed to any other member of the trade/industry or any other party except as may be directed by the Secretary or the Administrator.

Section 3. Monopolies, etc.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Section 4. Effective Date.

This Code shall become effective on the second Monday after its approval by the President, (unless otherwise stated).

